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RECENT IMPORTANT DECISIONS

BANKRUPTCY—ASSIGNED CLAIM FOR WAGES—PREFERENCE.—A number of claims for wages, none of which exceeded \$300.00, earned by clerks and servants of a bankrupt within three months of the proceedings in bankruptcy, were assigned to a third party before the proceedings in bankruptcy were instituted. The assignee sought to have these claims allowed priority of payment out of the bankrupt's estate under § 64 a of the bankruptcy act which allows priority for wages “due to workmen, clerks or servants,” that have been earned within three months of the proceedings in bankruptcy. *Held*, that the priority attaches to the claim rather than to the person of the creditor and should be allowed to an assignee. *Shropshire, Woodliff & Co. v. Bush et al.* (1907), 27 Sup. Ct. Rep. 178.

This case finally decides a question over which there has been considerable conflict in the district courts. Some of them have taken the view that since the statute says wages “due to workmen, etc.,” the right to priority is a personal privilege of the wage earner and after the claim has been assigned it is no longer “due” to the workman but to the assignee and should not be allowed priority. In *In re Westlund*, 99 Fed. 399, the court said “if claimants to priority might be an assignee there would be no reason why such claimant should be restricted to a claim of \$300.00 as he might be the owner of many small claims each less than the amount but aggregating more.” A similar interpretation was placed upon this section of the statute by the courts in *Re St. Louis Ice Mfg & Storage Co.*, 147 Fed. 752, *Re North Carolina Car Co.*, 127 Fed. 170. In order to uphold the above decisions it was assumed that the wages must be “due” to the earner at the time the proceedings in bankruptcy were begun, but the act neither expressly nor impliedly says that that condition must exist and therefore the courts can be sustained in this position only by reading a meaning into the act which it does not express. Considering this fact the courts in *Re Brown*, Fed. Cases No. 1974, *Re Harmon*, 128 Fed. 170, took the view opposed to the courts in the cases above and held that the assignee of such claims was entitled to priority.

BANKRUPTCY—TIME OF FILING CLAIMS.—Creditors of a bankrupt duly verified proofs of claims against the bankrupt's estate and delivered them to the trustee, within the year allowed by law for filing claims, to be filed with the referee. The trustee turned these claims over to his lawyer who neglected to file them with the referee within the time allowed by law for filing. The creditors had no knowledge that their claims had not been filed until more than a year after the adjudication in bankruptcy. New claims were then made and presented to the referee with petitions to file the claims nunc pro tunc as of a date prior to the expiration of the time limit allowed by law for filing. *Held*, that the delivery of proofs of claims to a trustee in bankruptcy within a year after adjudication is a sufficient filing within the meaning of the act. *J. B. Orcutt Company v. Green et al.* (1907), 27 Sup. Ct. Rep. 195.